IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No. 2908 of 2005

M/s. Beri Mecurio Ltd. .. Petitioners
V/s.
The Union of India & Anr. .. Respondents

Mr. Prakash Shah with Mr. Bharat Raichandani i/b. M/s. DSK Legal for the Petitioners

Mr. S.S. Pakale with Ms. S.V. Bharucha for the Respondent Nos. 1 and 2

Mr. Vinay Sonpat, AGP. for the Respondent No. 3

CORAM : S. RADHAKRISHNAN &
J.H. BHATIA, JJ.
DATED : 29.06.2005.

P.C.:-

1. Heard the learned counsel for the Petitioner and the Respondents. Rule. Rule made returnable forthwith. The learned counsel for the Respondents waives service. By consent, taken up for hearing.

2. By this Petition, the Petitioner contends that after the order in original was passed by the Adjudicating Authority For Enforcement Directorate dated 16.5.2002, the Petitioners were able to produce copies of the bills of entry and other documents in support of the import and the same has been duly certified by Dena Bank.

3. Under these circumstances, having regard to the facts and circumstances as the order in original was passed on the ground that the Petitioner was unable to produce the bill of entry and other proof with regard

to import, now in view of the fact that the Petitioner

has been able to produce the same, and has been certified by Dena Bank, we quash and set aside the order dated 16.5.2002 and remand back the matter to the Adjudicating Authority. We direct the Adjudicating Authority, Additional Commissioner of Central Excise, Chief Commissioner's Office, Mumbai Zone-I to adjudicate the same de-novo strictly on it's own merits and in accordance with law. It is also made clear that all the contentions of both the parties are kept expressly open. The Adjudicating Authority shall adjudicate the same, as expeditiously as possible, preferably within a period of three months from today. Writ Petition stands disposed of in the above terms.

(S. RADHAKRISHNAN, J.)

(J.H. BHATIA, J.)